



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DW Oct-06

RICHARD L. MILLER
12 PARKSIDE DRIVE
DIX HILLS NY 11746-4879

COPY MAILED

OCT 25 2006

OFFICE OF PETITIONS

In re Application of :
Robert Nasimov :
Application No. 10/662,670 : DECISION ON PETITION
Filed: 15 September, 2003 :
Atty Docket No. NASR64A :

This is a decision on the petition filed on 16 March, 2006, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is GRANTED.

The application became abandoned on 13 October, 2005, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 12 July, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 8 February, 2006.

Receipt of the issue fee is acknowledged.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);


(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

You have appointed a representative to conduct all business before the Patent and Trademark Office (Office). The Office will not engage in dual correspondence with you and your representative. Accordingly, you must conduct all future correspondence with this Office through the representative of record. If you no longer wish to be represented by the representative of record, then a revocation of the power of attorney or authorization of agent must be submitted. A courtesy copy has been mailed to you for your convenience. All future correspondence, however, will be mailed solely to the address of record.

The application is being referred to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Robert Nasimov
64-07 102nd Street
Rego Park NY 11374